

Monday, April 12, 2004

Rolland A. Schmitten
Director

NOAA National Marine Fisheries Service

Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR

1315 East-West Highway
Silver Spring, MD 20910

Dear Director A. Schmitten,

James W. Balsiger

Brooks

Alaska Regional Administrator

National Marine Fisheries Service

99511-0193

P.O. Box 21668, Juneau, AK 99802-1668

Michael G

PO BOX 110193
Anchorage, Alaska

RE: Essential Fish Habitat environmental Impact Statement

Dear Mr. Balsiger:

I am writing to voice my strong concern about the National Marine Fishery Service's conclusion that fisheries using bottom trawls are not adversely impacting essential fish habitat in the North Pacific region. I sincerely urge you to reevaluate this conclusion based on the science of bottom trawl effects on marine habitats by using analytical methods that appropriately ensure the long-term sustainability of our fisheries. The species by species productivity approach does not adequately address documented habitat impacts, species declines and ecosystem functions.

I can also speak on a personal level as the former captain of a trawl vessel. After periods of time involving heavy commercial trawl activity over our same tow tracks I noticed a direct correlation in the amount and diversity of bottom life which came up in our nets. After even more activity the size, diversity, and plenitude of the "haul" diminished. Continued activity over a prolonged period of time led to what we termed a "sour" bottom. The "slash and burn" mind set was then and still is a common type of thinking amongst the trawl fleet. New areas were found and the same techniques were employed. The first tows were often less productive due to damage to the nets from corals and bottom obstructions. They were also more time consuming to process and put into the ships hold because of the large amounts of bycatch non targeted fish, corals and sponges which had to be separated out and shoveled over the side.

What I didn't understand was that sound science could explain the changes I was seeing in my daily catch. Some of that science has been provided by your own agency and additionally by highly regarded scientists from around the world. Scientific studies conducted both in Alaska and globally convincingly document the fact that bottom trawling has serious impacts on sensitive fish habitats. The downward trend I saw in my nets as a fisherman is resoundingly and directly attributable to the impacts of the bottom trawl. The evidence is becoming increasingly irrefutable.

NMFS must take the lead in advancing habitat conservation measures that protect essential fish habitat from bottom trawls and ensures a healthy marine ecosystem. Alternative 5B which advances habitat conservation in the Gulf of Alaska, Aleutians and Bering Sea is a reasonable and balanced approach. It allows for the continuance of trawl activity in established areas while protecting areas known to be abundant in corals and sponge. Alternative 5B at last brings a rational approach to preserving the fragile ecosystems that supply species which are considered important to the commercial industry. Please do not let a "clear cut" type of mentality enter into a decision which must be made in the public interest using sound science.

Sincerely,
Michael G Brooks

I am writing to comment on the Advanced Notice of Proposed Rulemaking (ANPR) regarding the Essential Fish Habitat (EFH) guidelines published in the Federal Register on February 25, 2004. The EFH guidelines should not be changed at this time. Concerns with the EFH program can and should be resolved through better implementation. The

current guidelines are sufficient to identify EFH, determine the effects adverse of fishing activities on EFH, and protect EFH from the adverse effects of fishing and non-fishing activities. I would like to respond to some of the standard industry criticisms of the EFH guidelines.

The current NMFS process for protecting EFH reflects the intent of Congress, it is flexible, and can succeed. Prior to the inclusion of the EFH requirements in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), fish habitat was not adequately protected from damage and destruction due to human activities. Congress added the EFH requirements to the MSA in 1996 specifically to protect marine fish habitat.

A broad scope of EFH is necessary to protect fisheries. The total area currently identified as EFH is broad because marine species have more than one life stage, and each life stage may depend on a different habitat. The combined geographic distributions of the nearly 1,000 species that are managed in federal fisheries require protection of much of the U.S. EEZ. In addition, there is limited scientific data is on habitat-specific growth and survival, as well as productivity by habitat type. Designated areas are large to compensate for the poor resolution on specific habitat needs. These areas can, and should, be refined as the research progresses, but we cannot afford to wait for scientific certainty to protect threatened fish habitat.

Protection of habitat for fish populations is critical to their long-term health and it is the law. The EFH provisions in the MSA are mandatory. Therefore, converting the EFH guidelines to non-mandatory guidelines and making the program advisory in nature would be inconsistent with the law and would weaken protections for EFH.

Do not weaken the review process. Because EFH is critical to the survival of marine fish populations, Congress required that all federally conducted, funded, or authorized activities that "may adversely affect" EFH be specifically reviewed in order "to promote the protection of EFH." This is a clear legal mandate, that NMFS does not have the legal authority to modify. Requiring that a "significance threshold" be met before protecting EFH is not consistent with the law and would undercut EFH protection efforts. However, NMFS has made a good faith effort to streamline the protection process so that activities with minimal impacts may be covered under expedited review procedures.

The legal definition of EFH was created to protect the entire life cycle of managed fish species. The guidelines must apply to the areas where the fish live during all of their life stages. For many species, that includes coastal, riverine and estuarine waters. Therefore, EFH guidelines must apply where the fish are found, even in state waters.

In conclusion, I am very concerned that this additional ANPR will further undermine NMFS's EFH protection efforts by creating uncertainty regarding the agency's commitment to the program. NMFS should not revise the EFH guidelines; concerns about the program can be addressed through better implementation of the existing guidelines.

Thank you for considering my comments.

Sincerely ,

Michael Brooks
38225 Greer Road
Homer, AK 99603
brooks@alaska.net

Monday, April 12, 2004

Rolland A. Schmitten

Director

NOAA National Marine Fisheries Service

Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR

1315 East-West Highway

Silver Spring, MD 20910

Dear Director A. Schmitten,

save our fish

I am writing to comment on the Advanced Notice of Proposed Rulemaking (ANPR) regarding the Essential Fish Habitat (EFH) guidelines published in the Federal Register on February 25, 2004. The EFH guidelines should not be changed at this time. Concerns with the EFH program can and should be resolved through better implementation. The current guidelines are sufficient to identify EFH, determine the effects adverse of fishing activities on EFH, and protect EFH from the adverse effects of fishing and non-fishing activities. I would like to respond to some of the standard industry criticisms of the EFH guidelines.

The current NMFS process for protecting EFH reflects the intent of Congress, it is flexible, and can succeed. Prior to the inclusion of the EFH requirements in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), fish habitat was not adequately protected from damage and destruction due to human activities. Congress added the EFH requirements to the MSA in 1996 specifically to protect marine fish habitat.

A broad scope of EFH is necessary to protect fisheries. The total area currently identified as EFH is broad because marine species have more than one life stage, and each life stage may depend on a different habitat. The combined geographic distributions of the nearly 1,000 species that are managed in federal fisheries require protection of much of the U.S. EEZ. In addition, there is limited scientific data on habitat-specific growth and survival, as well as productivity by habitat type. Designated areas are large to compensate for the poor resolution on specific habitat needs. These areas can, and should, be refined as the research progresses, but we cannot afford to wait for scientific certainty to protect threatened fish habitat.

Protection of habitat for fish populations is critical to their long-term health and it is the law. The EFH provisions in the MSA are mandatory. Therefore, converting the EFH guidelines to non-mandatory guidelines and making the program advisory in nature would be inconsistent with the law and would weaken protections for EFH.

Do not weaken the review process. Because EFH is critical to the survival of marine fish populations, Congress required that all federally conducted, funded, or authorized activities that "may adversely affect" EFH be specifically reviewed in order "to promote the protection of EFH." This is a clear legal mandate, that NMFS does not have the legal authority to modify. Requiring that a "significance threshold" be met before protecting EFH is not consistent with the law and would undercut EFH protection efforts. However, NMFS has made a good faith effort to streamline the protection process so that activities with minimal impacts may be covered under expedited review procedures.

The legal definition of EFH was created to protect the entire life cycle of managed fish species. The guidelines must apply to the areas where the fish live during all of their life stages. For many species, that includes coastal, riverine and estuarine waters. Therefore, EFH guidelines must apply where the fish are found, even in state waters.

In conclusion, I am very concerned that this additional ANPR will further undermine NMFS's EFH protection efforts by creating uncertainty regarding the agency's commitment to the program. NMFS should not revise the EFH guidelines; concerns about the program can be addressed through better implementation of the existing guidelines.

Thank you for considering my comments.

Sincerely ,

Loren Wieland
19021 Acorn Rd.
Ft. Myers, FL 33912
Lorenlw@aol.com

Monday, April 19, 2004

Rolland A. Schmitten
Director
NOAA National Marine Fisheries Service
Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR
1315 East-West Highway
Silver Spring, MD 20910

Dear Director A. Schmitten,

I am writing to comment on the Advanced Notice of Proposed Rulemaking (ANPR) regarding the Essential Fish Habitat (EFH) guidelines published in the Federal Register on February 25, 2004. The EFH guidelines should not be changed at this time. Concerns with the EFH program can and should be resolved through better implementation. The current guidelines are sufficient to identify EFH, determine the effects adverse of fishing activities on EFH, and protect EFH from the adverse effects of fishing and non-fishing activities. I would like to respond to some of the standard industry criticisms of the EFH guidelines.

The current NMFS process for protecting EFH reflects the intent of Congress, it is flexible, and can succeed. Prior to the inclusion of the EFH requirements in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), fish habitat was not adequately protected from damage and destruction due to human activities. Congress added the EFH requirements to the MSA in 1996 specifically to protect marine fish habitat.

A broad scope of EFH is necessary to protect fisheries. The total area currently identified as EFH is broad because marine species have more than one life stage, and each life stage may depend on a different habitat. The combined geographic distributions of the nearly 1,000 species that are managed in federal fisheries require protection of much of the U.S. EEZ. In addition, there is limited scientific data is on habitat-specific growth and survival, as well as productivity by habitat type. Designated areas are large to compensate for the poor resolution on specific habitat needs. These areas can, and should, be refined as the research progresses, but we cannot afford to wait for scientific certainty to protect threatened fish habitat.

Protection of habitat for fish populations is critical to their long-term health and it is the law. The EFH provisions in the MSA are mandatory. Therefore, converting the EFH guidelines to non-mandatory guidelines and making the program advisory in nature would be inconsistent with the law and would weaken protections for EFH.

Do not weaken the review process. Because EFH is critical to the survival of marine fish populations, Congress required that all federally conducted, funded, or authorized activities that "may adversely affect" EFH be specifically reviewed in order "to promote the protection of EFH." This is a clear legal mandate, that NMFS does not have the legal authority to modify. Requiring that a "significance threshold" be met before protecting EFH is not consistent with the law and would undercut EFH protection efforts. However, NMFS has made a good faith effort to streamline the protection process so that activities with minimal impacts may be covered under expedited review procedures.

The legal definition of EFH was created to protect the entire life cycle of managed fish species. The guidelines must apply to the areas where the fish live during all of their life stages. For many species, that includes coastal, riverine and estuarine waters. Therefore, EFH guidelines must apply where the fish are found, even in state waters.

In conclusion, I am very concerned that this additional ANPR will further undermine NMFS's EFH protection efforts by creating uncertainty regarding the agency's commitment to the program. NMFS should not revise the EFH guidelines; concerns about the program can be addressed through better implementation of the existing guidelines.

Thank you for considering my comments.

Sincerely ,

Ben Malloy
412 Washington St.
Cleveland, MN 56017
kayman668@aol.com

Thursday, April 15, 2004

Rolland A. Schmitten

Director

NOAA National Marine Fisheries Service

Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR

1315 East-West Highway

Silver Spring, MD 20910

Dear Director A. Schmitten,

I am writing to comment on the Advanced Notice of Proposed Rulemaking (ANPR) regarding the Essential Fish Habitat (EFH) guidelines published in the Federal Register on February 25, 2004. The EFH guidelines should not be changed at this time. Concerns with the EFH program can and should be resolved through better implementation. The current guidelines are sufficient to identify EFH, determine the effects adverse of fishing activities on EFH, and protect EFH from the adverse effects of fishing and non-fishing activities. I would like to respond to some of the standard industry criticisms of the EFH guidelines.

The current NMFS process for protecting EFH reflects the intent of Congress, it is flexible, and can succeed. Prior to the inclusion of the EFH requirements in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), fish habitat was not adequately protected from damage and destruction due to human activities. Congress added the EFH requirements to the MSA in 1996 specifically to protect marine fish habitat.

A broad scope of EFH is necessary to protect fisheries. The total area currently identified as EFH is broad because marine species have more than one life stage, and each life stage may depend on a different habitat. The combined geographic distributions of the nearly 1,000 species that are managed in federal fisheries require protection of much of the U.S. EEZ. In addition, there is limited scientific data is on habitat-specific growth and survival, as well as productivity by habitat type. Designated areas are large to compensate for the poor resolution on specific habitat needs. These areas can, and should, be refined as the research progresses, but we cannot afford to wait for scientific certainty to protect threatened fish habitat.

Protection of habitat for fish populations is critical to their long-term health and it is the law. The EFH provisions in the MSA are mandatory. Therefore, converting the EFH guidelines to non-mandatory guidelines and making the program advisory in nature would be inconsistent with the law and would weaken protections for EFH.

Do not weaken the review process. Because EFH is critical to the survival of marine fish populations, Congress required that all federally conducted, funded, or authorized activities that "may adversely affect" EFH be specifically reviewed in order "to promote the protection of EFH." This is a clear legal mandate, that NMFS does not have the legal authority to modify. Requiring that a "significance threshold" be met before protecting EFH is not consistent with the law and would undercut EFH protection efforts. However, NMFS has made a good faith effort to streamline the protection process so that activities with minimal impacts may be covered under expedited review procedures.

The legal definition of EFH was created to protect the entire life cycle of managed fish species. The guidelines must apply to the areas where the fish live during all of their life stages. For many species, that includes coastal, riverine and estuarine waters. Therefore, EFH guidelines must apply where the fish are found, even in state waters.

In conclusion, I am very concerned that this additional ANPR will further undermine NMFS's EFH protection efforts by creating uncertainty regarding the agency's commitment to the program. NMFS should not revise the EFH guidelines; concerns about the program can be addressed through better implementation of the existing guidelines.

Thank you for considering my comments.

Sincerely ,

Kristin Hunter-Thomson
Echo Hill Outdoor School
13655 Bloomingneck Rd
Worton, MD 21678
03kih@williams.edu

Thursday, April 15, 2004

Rolland A. Schmitten
Director
NOAA National Marine Fisheries Service
Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR
1315 East-West Highway
Silver Spring, MD 20910

Dear Director A. Schmitten,

After watching a Jacques Cousteau special on TV at 4, I announced to my mother that I was going to be a marine biologist. Now, as a scientist, an educator and life-long lover of nature in general and marine habitats specifically, I know how important it is to preserve existing protections for such habitats. Therefore:

I am writing to comment on the Advanced Notice of Proposed Rulemaking (ANPR) regarding the Essential Fish Habitat (EFH) guidelines published in the Federal Register on February 25, 2004. The EFH guidelines should not be changed at this time. Concerns with the EFH program can and should be resolved through better implementation. The current guidelines are sufficient to identify EFH, determine the effects adverse of fishing activities on EFH, and protect EFH from the adverse effects of fishing and non-fishing activities. I would like to respond to some of the standard industry criticisms of the EFH guidelines.

The current NMFS process for protecting EFH reflects the intent of Congress, it is flexible, and can succeed. Prior to the inclusion of the EFH requirements in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), fish habitat was not adequately protected from damage and destruction due to human activities. Congress added the EFH requirements to the MSA in 1996 specifically to protect marine fish habitat.

A broad scope of EFH is necessary to protect fisheries. The total area currently identified as EFH is broad because marine species have more than one life stage, and each life stage may depend on a different habitat. The combined geographic distributions of the nearly 1,000 species that are managed in federal fisheries require protection of much of the U.S. EEZ. In addition, there is limited scientific data is on habitat-specific growth and survival, as well as productivity by habitat type. Designated areas are large to compensate for the poor resolution on specific habitat needs. These areas can, and should, be refined as the research progresses, but we cannot afford to wait for scientific certainty to protect threatened fish habitat.

Protection of habitat for fish populations is critical to their long-term health and it is the law. The EFH provisions in the MSA are mandatory. Therefore, converting the EFH guidelines to non-mandatory guidelines and making the program advisory in nature would be inconsistent with the law and would weaken protections for EFH.

Do not weaken the review process. Because EFH is critical to the survival of marine fish populations, Congress required that all federally conducted, funded, or authorized activities that "may adversely affect" EFH be specifically reviewed in order "to promote the protection of EFH." This is a clear legal mandate, that NMFS does not have the legal authority to modify. Requiring that a "significance threshold" be met before protecting EFH is not consistent with the law and would undercut EFH protection efforts. However, NMFS has made a good faith effort to streamline the protection process so that activities with minimal impacts may be covered under expedited review procedures.

The legal definition of EFH was created to protect the entire life cycle of managed fish species. The guidelines must apply to the areas where the fish live during all of their life stages. For many species, that includes coastal, riverine and estuarine waters. Therefore, EFH guidelines must apply where the fish are found, even in state waters.

In conclusion, I am very concerned that this additional ANPR will further undermine NMFS's EFH protection efforts by creating uncertainty regarding the agency's commitment to the program. NMFS should not revise the EFH guidelines; concerns about the program

can be addressed through better implementation of the existing guidelines.

Thank you for considering my comments.

Sincerely ,

Bronwyn Bleakley
656 Robin Dr.
Ellettsville, IN 47429
hbleakle@indiana.edu

Thursday, April 15, 2004

Rolland A. Schmitten
Director
NOAA National Marine Fisheries Service
Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR
1315 East-West Highway
Silver Spring, MD 20910

Dear Director A. Schmitten,

I am writing to comment on the Advanced Notice of Proposed Rulemaking (ANPR) regarding the Essential Fish Habitat (EFH) guidelines published in the Federal Register on February 25, 2004. The EFH guidelines should not be changed at this time. Concerns with the EFH program can and should be resolved through better implementation. The current guidelines are sufficient to identify EFH, determine the effects adverse of fishing activities on EFH, and protect EFH from the adverse effects of fishing and non-fishing activities. I would like to respond to some of the standard industry criticisms of the EFH guidelines.

The current NMFS process for protecting EFH reflects the intent of Congress, it is flexible, and can succeed. Prior to the inclusion of the EFH requirements in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), fish habitat was not adequately protected from damage and destruction due to human activities. Congress added the EFH requirements to the MSA in 1996 specifically to protect marine fish habitat.

A broad scope of EFH is necessary to protect fisheries. The total area currently identified as EFH is broad because marine species have more than one life stage, and each life stage may depend on a different habitat. The combined geographic distributions of the nearly 1,000 species that are managed in federal fisheries require protection of much of the U.S. EEZ. In addition, there is limited scientific data is on habitat-specific growth and survival, as well as productivity by habitat type. Designated areas are large to compensate for the poor resolution on specific habitat needs. These areas can, and should, be refined as the research progresses, but we cannot afford to wait for scientific certainty to protect threatened fish habitat.

Protection of habitat for fish populations is critical to their long-term health and it is the law. The EFH provisions in the MSA are mandatory. Therefore, converting the EFH guidelines to non-mandatory guidelines and making the program advisory in nature would be inconsistent with the law and would weaken protections for EFH.

Do not weaken the review process. Because EFH is critical to the survival of marine fish populations, Congress required that all federally conducted, funded, or authorized activities that may adversely affect EFH be specifically reviewed in order to promote the protection of EFH. This is a clear legal mandate, that NMFS does not have the legal authority to modify. Requiring that a significance threshold be met before protecting EFH is not consistent with the law and would undercut EFH protection efforts. However, NMFS has made a good faith effort to streamline the protection process so that activities with minimal impacts may be covered under expedited review procedures.

The legal definition of EFH was created to protect the entire life cycle of managed fish species. The guidelines must apply to the areas where the fish live during all of their life stages. For many species, that includes coastal, riverine and estuarine waters. Therefore, EFH guidelines must apply where the fish are found, even in state waters.

In conclusion, I am very concerned that this additional ANPR will further undermine NMFS's EFH protection efforts by creating uncertainty regarding the agency's commitment to the program. NMFS should not revise the EFH guidelines; concerns about the program can be addressed through better implementation of the existing guidelines.

Thank you for considering my comments.

Sincerely ,

Bonnie McCune
16435 SW 90 Ave
Miami, FL 33157
mccunesfla@aol.com

wednesday, April 14, 2004

Rolland A. Schmitten
Director
NOAA National Marine Fisheries Service
Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR
1315 East-West Highway
Silver Spring, MD 20910

Dear Director A. Schmitten,

I am writing to comment on the Advanced Notice of Proposed Rulemaking (ANPR) regarding the Essential Fish Habitat (EFH) guidelines published in the Federal Register on February 25, 2004. The EFH guidelines should not be changed at this time. Concerns with the EFH program can and should be resolved through better implementation. The current guidelines are sufficient to identify EFH, determine the effects adverse of fishing activities on EFH, and protect EFH from the adverse effects of fishing and non-fishing activities. I would like to respond to some of the standard industry criticisms of the EFH guidelines.

The current NMFS process for protecting EFH reflects the intent of Congress, it is flexible, and can succeed. Prior to the inclusion of the EFH requirements in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), fish habitat was not adequately protected from damage and destruction due to human activities. Congress added the EFH requirements to the MSA in 1996 specifically to protect marine fish habitat.

A broad scope of EFH is necessary to protect fisheries. The total area currently identified as EFH is broad because marine species have more than one life stage, and each life stage may depend on a different habitat. The combined geographic distributions of the nearly 1,000 species that are managed in federal fisheries require protection of much of the U.S. EEZ. In addition, there is limited scientific data is on habitat-specific growth and survival, as well as productivity by habitat type. Designated areas are large to compensate for the poor resolution on specific habitat needs. These areas can, and should, be refined as the research progresses, but we cannot afford to wait for scientific certainty to protect threatened fish habitat.

Protection of habitat for fish populations is critical to their long-term health and it is the law. The EFH provisions in the MSA are mandatory. Therefore, converting the EFH guidelines to non-mandatory guidelines and making the program advisory in nature would be inconsistent with the law and would weaken protections for EFH.

Do not weaken the review process. Because EFH is critical to the survival of marine fish populations, Congress required that all federally conducted, funded, or authorized activities that "may adversely affect" EFH be specifically reviewed in order "to promote the protection of EFH." This is a clear legal mandate, that NMFS does not have the legal authority to modify. Requiring that a "significance threshold" be met before protecting EFH is not consistent with the law and would undercut EFH protection efforts. However, NMFS has made a good faith effort to streamline the protection process so that activities with minimal impacts may be covered under expedited review procedures.

The legal definition of EFH was created to protect the entire life cycle of managed fish species. The guidelines must apply to the areas where the fish live during all of their life stages. For many species, that includes coastal, riverine and estuarine waters. Therefore, EFH guidelines must apply where the fish are found, even in state waters.

In conclusion, I am very concerned that this additional ANPR will further undermine NMFS's EFH protection efforts by creating uncertainty regarding the agency's commitment to the program. NMFS should not revise the EFH guidelines; concerns about the program can be addressed through better implementation of the existing guidelines.

Thank you for considering my comments.

Sincerely ,

Jason Bean
2479 Abbotsford way
Dublin, OH 43016 - 8630
epicurianranger@hotmail.com

Wednesday, April 14, 2004

Rolland A. Schmitten
Director
NOAA National Marine Fisheries Service
Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR
1315 East-West Highway
Silver Spring, MD 20910

Dear Director A. Schmitten,

Please support the EFH to protect fish habitat.

I am writing to comment on the Advanced Notice of Proposed Rulemaking (ANPR) regarding the Essential Fish Habitat (EFH) guidelines published in the Federal Register on February 25, 2004. The EFH guidelines should not be changed at this time. Concerns with the EFH program can and should be resolved through better implementation. The current guidelines are sufficient to identify EFH, determine the effects adverse of fishing activities on EFH, and protect EFH from the adverse effects of fishing and non-fishing activities. I would like to respond to some of the standard industry criticisms of the EFH guidelines.

The current NMFS process for protecting EFH reflects the intent of Congress, it is flexible, and can succeed. Prior to the inclusion of the EFH requirements in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), fish habitat was not adequately protected from damage and destruction due to human activities. Congress added the EFH requirements to the MSA in 1996 specifically to protect marine fish habitat.

A broad scope of EFH is necessary to protect fisheries. The total area currently identified as EFH is broad because marine species have more than one life stage, and each life stage may depend on a different habitat. The combined geographic distributions of the nearly 1,000 species that are managed in federal fisheries require protection of much of the U.S. EEZ. In addition, there is limited scientific data on habitat-specific growth and survival, as well as productivity by habitat type. Designated areas are large to compensate for the poor resolution on specific habitat needs. These areas can, and should, be refined as the research progresses, but we cannot afford to wait for scientific certainty to protect threatened fish habitat.

Protection of habitat for fish populations is critical to their long-term health and it is the law. The EFH provisions in the MSA are mandatory. Therefore, converting the EFH guidelines to non-mandatory guidelines and making the program advisory in nature would be inconsistent with the law and would weaken protections for EFH.

Do not weaken the review process. Because EFH is critical to the survival of marine fish populations, Congress required that all federally conducted, funded, or authorized activities that "may adversely affect" EFH be specifically reviewed in order "to promote the protection of EFH." This is a clear legal mandate, that NMFS does not have the legal authority to modify. Requiring that a "significance threshold" be met before protecting EFH is not consistent with the law and would undercut EFH protection efforts. However, NMFS has made a good faith effort to streamline the protection process so that activities with minimal impacts may be covered under expedited review procedures.

The legal definition of EFH was created to protect the entire life cycle of managed fish species. The guidelines must apply to the areas where the fish live during all of their life stages. For many species, that includes coastal, riverine and estuarine waters. Therefore, EFH guidelines must apply where the fish are found, even in state waters.

In conclusion, I am very concerned that this additional ANPR will further undermine NMFS's EFH protection efforts by creating uncertainty regarding the agency's commitment to the program. NMFS should not revise the EFH guidelines; concerns about the program can be addressed through better implementation of the existing guidelines.

Thank you for considering my comments.

Sincerely ,

Karena Wells
200 East 66th St
New York, NY 10021
kwells98@yahoo.com

wednesday, April 14, 2004

Rolland A. Schmitten
Director
NOAA National Marine Fisheries Service
Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR
1315 East-West Highway
Silver Spring, MD 20910

Dear Director A. Schmitten,

I am writing to comment on the Advanced Notice of Proposed Rulemaking (ANPR) regarding the Essential Fish Habitat (EFH) guidelines published in the Federal Register on February 25, 2004. The EFH guidelines should not be changed at this time. Concerns with the EFH program can and should be resolved through better implementation. The current guidelines are sufficient to identify EFH, determine the effects adverse of fishing activities on EFH, and protect EFH from the adverse effects of fishing and non-fishing activities. I would like to respond to some of the standard industry criticisms of the EFH guidelines.

The current NMFS process for protecting EFH reflects the intent of Congress, it is flexible, and can succeed. Prior to the inclusion of the EFH requirements in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), fish habitat was not adequately protected from damage and destruction due to human activities. Congress added the EFH requirements to the MSA in 1996 specifically to protect marine fish habitat.

A broad scope of EFH is necessary to protect fisheries. The total area currently identified as EFH is broad because marine species have more than one life stage, and each life stage may depend on a different habitat. The combined geographic distributions of the nearly 1,000 species that are managed in federal fisheries require protection of much of the U.S. EEZ. In addition, there is limited scientific data is on habitat-specific growth and survival, as well as productivity by habitat type. Designated areas are large to compensate for the poor resolution on specific habitat needs. These areas can, and should, be refined as the research progresses, but we cannot afford to wait for scientific certainty to protect threatened fish habitat.

Protection of habitat for fish populations is critical to their long-term health and it is the law. The EFH provisions in the MSA are mandatory. Therefore, converting the EFH guidelines to non-mandatory guidelines and making the program advisory in nature would be inconsistent with the law and would weaken protections for EFH.

Do not weaken the review process. Because EFH is critical to the survival of marine fish populations, Congress required that all federally conducted, funded, or authorized activities that "may adversely affect" EFH be specifically reviewed in order "to promote the protection of EFH." This is a clear legal mandate, that NMFS does not have the legal authority to modify. Requiring that a "significance threshold" be met before protecting EFH is not consistent with the law and would undercut EFH protection efforts. However, NMFS has made a good faith effort to streamline the protection process so that activities with minimal impacts may be covered under expedited review procedures.

The legal definition of EFH was created to protect the entire life cycle of managed fish species. The guidelines must apply to the areas where the fish live during all of their life stages. For many species, that includes coastal, riverine and estuarine waters. Therefore, EFH guidelines must apply where the fish are found, even in state waters.

In conclusion, I am very concerned that this additional ANPR will further undermine NMFS's EFH protection efforts by creating uncertainty regarding the agency's commitment to the program. NMFS should not revise the EFH guidelines; concerns about the program can be addressed through better implementation of the existing guidelines.

Thank you for considering my comments.

Sincerely ,

Denise Kroth
240 Union Avnue
Wod-Ridge, NJ 07075
deniseb111@aol.com

Tuesday, April 13, 2004

Rolland A. Schmitten
Director
NOAA National Marine Fisheries Service
Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR
1315 East-West Highway
Silver Spring, MD 20910

Dear Director A. Schmitten,

I am writing to comment on the Advanced Notice of Proposed Rulemaking (ANPR) regarding the Essential Fish Habitat (EFH) guidelines published in the Federal Register on February 25, 2004. The EFH guidelines should not be changed at this time. Concerns with the EFH program can and should be resolved through better implementation. The current guidelines are sufficient to identify EFH, determine the effects adverse of fishing activities on EFH, and protect EFH from the adverse effects of fishing and non-fishing activities. I would like to respond to some of the standard industry criticisms of the EFH guidelines.

The current NMFS process for protecting EFH reflects the intent of Congress, it is flexible, and can succeed. Prior to the inclusion of the EFH requirements in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), fish habitat was not adequately protected from damage and destruction due to human activities. Congress added the EFH requirements to the MSA in 1996 specifically to protect marine fish habitat.

A broad scope of EFH is necessary to protect fisheries. The total area currently identified as EFH is broad because marine species have more than one life stage, and each life stage may depend on a different habitat. The combined geographic distributions of the nearly 1,000 species that are managed in federal fisheries require protection of much of the U.S. EEZ. In addition, there is limited scientific data is on habitat-specific growth and survival, as well as productivity by habitat type. Designated areas are large to compensate for the poor resolution on specific habitat needs. These areas can, and should, be refined as the research progresses, but we cannot afford to wait for scientific certainty to protect threatened fish habitat.

Protection of habitat for fish populations is critical to their long-term health and it is the law. The EFH provisions in the MSA are mandatory. Therefore, converting the EFH guidelines to non-mandatory guidelines and making the program advisory in nature would be inconsistent with the law and would weaken protections for EFH.

Do not weaken the review process. Because EFH is critical to the survival of marine fish populations, Congress required that all federally conducted, funded, or authorized activities that "may adversely affect" EFH be specifically reviewed in order "to promote the protection of EFH." This is a clear legal mandate, that NMFS does not have the legal authority to modify. Requiring that a "significance threshold" be met before protecting EFH is not consistent with the law and would undercut EFH protection efforts. However, NMFS has made a good faith effort to streamline the protection process so that activities with minimal impacts may be covered under expedited review procedures.

The legal definition of EFH was created to protect the entire life cycle of managed fish species. The guidelines must apply to the areas where the fish live during all of their life stages. For many species, that includes coastal, riverine and estuarine waters. Therefore, EFH guidelines must apply where the fish are found, even in state waters.

In conclusion, I am very concerned that this additional ANPR will further undermine NMFS's EFH protection efforts by creating uncertainty regarding the agency's commitment to the program. NMFS should not revise the EFH guidelines; concerns about the program can be addressed through better implementation of the existing guidelines.

Thank you for considering my comments.

Sincerely ,

Judy Chesnutt
463 Harman Street
Apt/SuiteApt. 3R
Brooklyn, NY 11237
judy@murhammf.cnc.net

Tuesday, April 13, 2004

Rolland A. Schmitten
Director

NOAA National Marine Fisheries Service

Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR
1315 East-West Highway
Silver Spring, MD 20910

Dear Director A. Schmitten,

I am writing to comment on the Advanced Notice of Proposed Rulemaking (ANPR) regarding the Essential Fish Habitat (EFH) guidelines published in the Federal Register on February 25, 2004. The EFH guidelines should not be changed at this time. Concerns with the EFH program can and should be resolved through better implementation. The current guidelines are sufficient to identify EFH, determine the effects adverse of fishing activities on EFH, and protect EFH from the adverse effects of fishing and non-fishing activities. I would like to respond to some of the standard industry criticisms of the EFH guidelines.

The current NMFS process for protecting EFH reflects the intent of Congress, it is flexible, and can succeed. Prior to the inclusion of the EFH requirements in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), fish habitat was not adequately protected from damage and destruction due to human activities. Congress added the EFH requirements to the MSA in 1996 specifically to protect marine fish habitat.

A broad scope of EFH is necessary to protect fisheries. The total area currently identified as EFH is broad because marine species have more than one life stage, and each life stage may depend on a different habitat. The combined geographic distributions of the nearly 1,000 species that are managed in federal fisheries require protection of much of the U.S. EEZ. In addition, there is limited scientific data is on habitat-specific growth and survival, as well as productivity by habitat type. Designated areas are large to compensate for the poor resolution on specific habitat needs. These areas can, and should, be refined as the research progresses, but we cannot afford to wait for scientific certainty to protect threatened fish habitat.

Protection of habitat for fish populations is critical to their long-term health and it is the law. The EFH provisions in the MSA are mandatory. Therefore, converting the EFH guidelines to non-mandatory guidelines and making the program advisory in nature would be inconsistent with the law and would weaken protections for EFH.

Do not weaken the review process. Because EFH is critical to the survival of marine fish populations, Congress required that all federally conducted, funded, or authorized activities that "may adversely affect" EFH be specifically reviewed in order "to promote the protection of EFH." This is a clear legal mandate, that NMFS does not have the legal authority to modify. Requiring that a "significance threshold" be met before protecting EFH is not consistent with the law and would undercut EFH protection efforts. However, NMFS has made a good faith effort to streamline the protection process so that activities with minimal impacts may be covered under expedited review procedures.

The legal definition of EFH was created to protect the entire life cycle of managed fish species. The guidelines must apply to the areas where the fish live during all of their life stages. For many species, that includes coastal, riverine and estuarine waters. Therefore, EFH guidelines must apply where the fish are found, even in state waters.

In conclusion, I am very concerned that this additional ANPR will further undermine NMFS's EFH protection efforts by creating uncertainty regarding the agency's commitment to the program. NMFS should not revise the EFH guidelines; concerns about the program can be addressed through better implementation of the existing guidelines.

Thank you for considering my comments.

Sincerely ,

Terry Bunch
10942 Poblado Road #2921
San Diego, CA 92127
forests@alchemymetalnet.com

Tuesday, April 13, 2004

Rolland A. Schmitten
Director

NOAA National Marine Fisheries Service

Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR
1315 East-West Highway
Silver Spring, MD 20910

Dear Director A. Schmitten,

Please do not change the Essential Fish Habitat guidelines.

I am writing to comment on the Advanced Notice of Proposed Rulemaking (ANPR) regarding the Essential Fish Habitat (EFH) guidelines published in the Federal Register on February 25, 2004. The EFH guidelines should not be changed at this time. Concerns with the EFH program can and should be resolved through better implementation. The current guidelines are sufficient to identify EFH, determine the effects adverse of fishing activities on EFH, and protect EFH from the adverse effects of fishing and non-fishing activities. I would like to respond to some of the standard industry criticisms of the EFH guidelines.

The current NMFS process for protecting EFH reflects the intent of Congress, it is flexible, and can succeed. Prior to the inclusion of the EFH requirements in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), fish habitat was not adequately protected from damage and destruction due to human activities. Congress added the EFH requirements to the MSA in 1996 specifically to protect marine fish habitat.

A broad scope of EFH is necessary to protect fisheries. The total area currently identified as EFH is broad because marine species have more than one life stage, and each life stage may depend on a different habitat. The combined geographic distributions of the nearly 1,000 species that are managed in federal fisheries require protection of much of the U.S. EEZ. In addition, there is limited scientific data on habitat-specific growth and survival, as well as productivity by habitat type. Designated areas are large to compensate for the poor resolution on specific habitat needs. These areas can, and should, be refined as the research progresses, but we cannot afford to wait for scientific certainty to protect threatened fish habitat.

Protection of habitat for fish populations is critical to their long-term health and it is the law. The EFH provisions in the MSA are mandatory. Therefore, converting the EFH guidelines to non-mandatory guidelines and making the program advisory in nature would be inconsistent with the law and would weaken protections for EFH.

Do not weaken the review process. Because EFH is critical to the survival of marine fish populations, Congress required that all federally conducted, funded, or authorized activities that "may adversely affect" EFH be specifically reviewed in order "to promote the protection of EFH." This is a clear legal mandate, that NMFS does not have the legal authority to modify. Requiring that a "significance threshold" be met before protecting EFH is not consistent with the law and would undercut EFH protection efforts. However, NMFS has made a good faith effort to streamline the protection process so that activities with minimal impacts may be covered under expedited review procedures.

The legal definition of EFH was created to protect the entire life cycle of managed fish species. The guidelines must apply to the areas where the fish live during all of their life stages. For many species, that includes coastal, riverine and estuarine waters. Therefore, EFH guidelines must apply where the fish are found, even in state waters.

In conclusion, I am very concerned that this additional ANPR will further undermine NMFS's EFH protection efforts by creating uncertainty regarding the agency's commitment to the program. NMFS should not revise the EFH guidelines; concerns about the program can be addressed through better implementation of the existing guidelines.

Thank you for considering my comments.

Sincerely ,

Gian A. Morresi
111 Melville Avenue
Fairfield, CT 06825 - 2004
gianandrea_m@hotmail.com

Tuesday, April 13, 2004

Rolland A. Schmitten
Director

NOAA National Marine Fisheries Service

Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR

1315 East-West Highway
Silver Spring, MD 20910

Dear Director A. Schmitten,

I am writing to comment on the Advanced Notice of Proposed Rulemaking (ANPR) regarding the Essential Fish Habitat (EFH) guidelines published in the Federal Register on February 25, 2004. The EFH guidelines should not be changed at this time. Concerns with the EFH program can and should be resolved through better implementation. The current guidelines are sufficient to identify EFH, determine the effects adverse of fishing activities on EFH, and protect EFH from the adverse effects of fishing and non-fishing activities. I would like to respond to some of the standard industry criticisms of the EFH guidelines. The current NMFS process for protecting EFH reflects the intent of Congress, it is flexible, and can succeed. Prior to the inclusion of the EFH requirements in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), fish habitat was not adequately protected from damage and destruction due to human activities. Congress added the EFH requirements to the MSA in 1996 specifically to protect marine fish habitat. A broad scope of EFH is necessary to protect fisheries. The total area currently identified as EFH is broad because marine species have more than one life stage, and each life stage may depend on a different habitat. The combined geographic distributions of the nearly 1,000 species that are managed in federal fisheries require protection of much of the U.S. EEZ. In addition, there is limited scientific data on habitat-specific growth and survival, as well as productivity by habitat type. Designated areas are large to compensate for the poor resolution on specific habitat needs. These areas can, and should, be refined as the research progresses, but we cannot afford to wait for scientific certainty to protect threatened fish habitat. Protection of habitat for fish populations is critical to their long-term health and it is the law. The EFH provisions in the MSA are mandatory. Therefore, converting the EFH guidelines to non-mandatory guidelines and making the program advisory in nature would be inconsistent with the law and would weaken protections for EFH. Do not weaken the review process. Because EFH is critical to the survival of marine fish populations, Congress required that all federally conducted, funded, or authorized activities that "may adversely affect" EFH be specifically reviewed in order "to promote the protection of EFH." This is a clear legal mandate, that NMFS does not have the legal authority to modify. Requiring that a "significance threshold" be met before protecting EFH is not consistent with the law and would undercut EFH protection efforts. However, NMFS has made a good faith effort to streamline the protection process so that activities with minimal impacts may be covered under expedited review procedures. The legal definition of EFH was created to protect the entire life cycle of managed fish species. The guidelines must apply to the areas where the fish live during all of their life stages. For many species, that includes coastal, riverine and estuarine waters. Therefore, EFH guidelines must apply where the fish are found, even in state waters. In conclusion, I am very concerned that this additional ANPR will further undermine NMFS's EFH protection efforts by creating uncertainty regarding the agency's commitment to the program. NMFS should not revise the EFH guidelines; concerns about the program can be addressed through better implementation of the existing guidelines. Thank you for considering my comments.

Sincerely ,

Alison Zyla
26 Brockett Pt. Road
Branford, CT 06405
AlisonBarr@webtv.net

Tuesday, April 13, 2004

Rolland A. Schmitten
Director
NOAA National Marine Fisheries Service
Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR
1315 East-West Highway
Silver Spring, MD 20910

Dear Director A. Schmitten,

Essential Fish Habitat must be protected for the benefit of US citizens and the industries that rely on them. Other countries have instituted far stricter regulations that not only protected the resource, but also increased profitability. It would be in our best interests for us to do the same.

I am writing to comment on the Advanced Notice of Proposed Rulemaking (ANPR) regarding the Essential Fish Habitat (EFH) guidelines published in the Federal Register on February 25, 2004. The EFH guidelines should not be changed at this time. Concerns with the EFH program can and should be resolved through better implementation. The current guidelines are sufficient to identify EFH, determine the effects adverse of fishing activities on EFH, and protect EFH from the adverse effects of fishing and non-fishing activities. I would like to respond to some of the standard industry criticisms of the EFH guidelines.

The current NMFS process for protecting EFH reflects the intent of Congress, it is flexible, and can succeed. Prior to the inclusion of the EFH requirements in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), fish habitat was not adequately protected from damage and destruction due to human activities. Congress added the EFH requirements to the MSA in 1996 specifically to protect marine fish habitat.

A broad scope of EFH is necessary to protect fisheries. The total area currently identified as EFH is broad because marine species have more than one life stage, and each life stage may depend on a different habitat. The combined geographic distributions of the nearly 1,000 species that are managed in federal fisheries require protection of much of the U.S. EEZ. In addition, there is limited scientific data is on habitat-specific growth and survival, as well as productivity by habitat type. Designated areas are large to compensate for the poor resolution on specific habitat needs. These areas can, and should, be refined as the research progresses, but we cannot afford to wait for scientific certainty to protect threatened fish habitat.

Protection of habitat for fish populations is critical to their long-term health and it is the law. The EFH provisions in the MSA are mandatory. Therefore, converting the EFH guidelines to non-mandatory guidelines and making the program advisory in nature would be inconsistent with the law and would weaken protections for EFH.

Do not weaken the review process. Because EFH is critical to the survival of marine fish populations, Congress required that all federally conducted, funded, or authorized activities that "may adversely affect" EFH be specifically reviewed in order "to promote the protection of EFH." This is a clear legal mandate, that NMFS does not have the legal authority to modify. Requiring that a "significance threshold" be met before protecting EFH is not consistent with the law and would undercut EFH protection efforts. However, NMFS has made a good faith effort to streamline the protection process so that activities with minimal impacts may be covered under expedited review procedures.

The legal definition of EFH was created to protect the entire life cycle of managed fish species. The guidelines must apply to the areas where the fish live during all of their life stages. For many species, that includes coastal, riverine and estuarine waters. Therefore, EFH guidelines must apply where the fish are found, even in state waters.

In conclusion, I am very concerned that this additional ANPR will further undermine NMFS's EFH protection efforts by creating uncertainty regarding the agency's commitment to the program. NMFS should not revise the EFH guidelines; concerns about the program

can be addressed through better implementation of the existing guidelines.

Thank you for considering my comments.

Sincerely ,

Sharon Karson
3630 Carefree Circle North
Colorado Springs, CO 80917
sakarson@pcisys.net

Tuesday, April 13, 2004

Rolland A. Schmitten

Director

NOAA National Marine Fisheries Service

Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR

1315 East-West Highway

Silver Spring, MD 20910

Dear Director A. Schmitten,

I am writing to comment on the Advanced Notice of Proposed Rulemaking (ANPR) regarding the Essential Fish Habitat (EFH) guidelines published in the Federal Register on February 25, 2004. The EFH guidelines should not be changed at this time. Concerns with the EFH program can and should be resolved through better implementation. The current guidelines are sufficient to identify EFH, determine the effects adverse of fishing activities on EFH, and protect EFH from the adverse effects of fishing and non-fishing activities. I would like to respond to some of the standard industry criticisms of the EFH guidelines.

The current NMFS process for protecting EFH reflects the intent of Congress, it is flexible, and can succeed. Prior to the inclusion of the EFH requirements in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), fish habitat was not adequately protected from damage and destruction due to human activities. Congress added the EFH requirements to the MSA in 1996 specifically to protect marine fish habitat.

A broad scope of EFH is necessary to protect fisheries. The total area currently identified as EFH is broad because marine species have more than one life stage, and each life stage may depend on a different habitat. The combined geographic distributions of the nearly 1,000 species that are managed in federal fisheries require protection of much of the U.S. EEZ. In addition, there is limited scientific data is on habitat-specific growth and survival, as well as productivity by habitat type. Designated areas are large to compensate for the poor resolution on specific habitat needs. These areas can, and should, be refined as the research progresses, but we cannot afford to wait for scientific certainty to protect threatened fish habitat.

Protection of habitat for fish populations is critical to their long-term health and it is the law. The EFH provisions in the MSA are mandatory. Therefore, converting the EFH guidelines to non-mandatory guidelines and making the program advisory in nature would be inconsistent with the law and would weaken protections for EFH.

Do not weaken the review process. Because EFH is critical to the survival of marine fish populations, Congress required that all federally conducted, funded, or authorized activities that "may adversely affect" EFH be specifically reviewed in order "to promote the protection of EFH." This is a clear legal mandate, that NMFS does not have the legal authority to modify. Requiring that a "significance threshold" be met before protecting EFH is not consistent with the law and would undercut EFH protection efforts. However, NMFS has made a good faith effort to streamline the protection process so that activities with minimal impacts may be covered under expedited review procedures.

The legal definition of EFH was created to protect the entire life cycle of managed fish species. The guidelines must apply to the areas where the fish live during all of their life stages. For many species, that includes coastal, riverine and estuarine waters. Therefore, EFH guidelines must apply where the fish are found, even in state waters.

In conclusion, I am very concerned that this additional ANPR will further undermine NMFS's EFH protection efforts by creating uncertainty regarding the agency's commitment to the program. NMFS should not revise the EFH guidelines; concerns about the program can be addressed through better implementation of the existing guidelines.

Thank you for considering my comments.

Sincerely ,

Karena Wells
200 East 66th St
New York, NY 10021
kwells98@yahoo.com

Monday, April 12, 2004

Rolland A. Schmitten
Director
NOAA National Marine Fisheries Service
Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR
1315 East-West Highway
Silver Spring, MD 20910

Dear Director A. Schmitten,

I am writing to comment on the Advanced Notice of Proposed Rulemaking (ANPR) regarding the Essential Fish Habitat (EFH) guidelines published in the Federal Register on February 25, 2004. The EFH guidelines should not be changed at this time. Concerns with the EFH program can and should be resolved through better implementation. The current guidelines are sufficient to identify EFH, determine the effects adverse of fishing activities on EFH, and protect EFH from the adverse effects of fishing and non-fishing activities. I would like to respond to some of the standard industry criticisms of the EFH guidelines.

The current NMFS process for protecting EFH reflects the intent of Congress, it is flexible, and can succeed. Prior to the inclusion of the EFH requirements in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), fish habitat was not adequately protected from damage and destruction due to human activities. Congress added the EFH requirements to the MSA in 1996 specifically to protect marine fish habitat.

A broad scope of EFH is necessary to protect fisheries. The total area currently identified as EFH is broad because marine species have more than one life stage, and each life stage may depend on a different habitat. The combined geographic distributions of the nearly 1,000 species that are managed in federal fisheries require protection of much of the U.S. EEZ. In addition, there is limited scientific data is on habitat-specific growth and survival, as well as productivity by habitat type. Designated areas are large to compensate for the poor resolution on specific habitat needs. These areas can, and should, be refined as the research progresses, but we cannot afford to wait for scientific certainty to protect threatened fish habitat.

Protection of habitat for fish populations is critical to their long-term health and it is the law. The EFH provisions in the MSA are mandatory. Therefore, converting the EFH guidelines to non-mandatory guidelines and making the program advisory in nature would be inconsistent with the law and would weaken protections for EFH.

Do not weaken the review process. Because EFH is critical to the survival of marine fish populations, Congress required that all federally conducted, funded, or authorized activities that "may adversely affect" EFH be specifically reviewed in order "to promote the protection of EFH." This is a clear legal mandate, that NMFS does not have the legal authority to modify. Requiring that a "significance threshold" be met before protecting EFH is not consistent with the law and would undercut EFH protection efforts. However, NMFS has made a good faith effort to streamline the protection process so that activities with minimal impacts may be covered under expedited review procedures.

The legal definition of EFH was created to protect the entire life cycle of managed fish species. The guidelines must apply to the areas where the fish live during all of their life stages. For many species, that includes coastal, riverine and estuarine waters. Therefore, EFH guidelines must apply where the fish are found, even in state waters.

In conclusion, I am very concerned that this additional ANPR will further undermine NMFS's EFH protection efforts by creating uncertainty regarding the agency's commitment to the program. NMFS should not revise the EFH guidelines; concerns about the program can be addressed through better implementation of the existing guidelines.

Thank you for considering my comments.

Sincerely ,

jane fasullo
68 Old Field Rd.
Setauket, NY 11733
jfas@fnol.net

Monday, April 26, 2004

Rolland A. Schmitten

Director

NOAA National Marine Fisheries Service

Office of Habitat Conservation, NOAA National Marine Fisheries Service, F/HC - EFH ANPR

1315 East-West Highway

Silver Spring, MD 20910

Dear Director A. Schmitten,

I am writing to comment on the Advanced Notice of Proposed Rulemaking (ANPR) regarding the Essential Fish Habitat (EFH) guidelines published in the Federal Register on February 25, 2004. The EFH guidelines should not be changed at this time. Concerns with the EFH program can and should be resolved through better implementation. The current guidelines are sufficient to identify EFH, determine the effects adverse of fishing activities on EFH, and protect EFH from the adverse effects of fishing and non-fishing activities. I would like to respond to some of the standard industry criticisms of the EFH guidelines.

The current NMFS process for protecting EFH reflects the intent of Congress, it is flexible, and can succeed. Prior to the inclusion of the EFH requirements in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), fish habitat was not adequately protected from damage and destruction due to human activities. Congress added the EFH requirements to the MSA in 1996 specifically to protect marine fish habitat.

A broad scope of EFH is necessary to protect fisheries. The total area currently identified as EFH is broad because marine species have more than one life stage, and each life stage may depend on a different habitat. The combined geographic distributions of the nearly 1,000 species that are managed in federal fisheries require protection of much of the U.S. EEZ. In addition, there is limited scientific data is on habitat-specific growth and survival, as well as productivity by habitat type. Designated areas are large to compensate for the poor resolution on specific habitat needs. These areas can, and should, be refined as the research progresses, but we cannot afford to wait for scientific certainty to protect threatened fish habitat.

Protection of habitat for fish populations is critical to their long-term health and it is the law. The EFH provisions in the MSA are mandatory. Therefore, converting the EFH guidelines to non-mandatory guidelines and making the program advisory in nature would be inconsistent with the law and would weaken protections for EFH.

Do not weaken the review process. Because EFH is critical to the survival of marine fish populations, Congress required that all federally conducted, funded, or authorized activities that "may adversely affect" EFH be specifically reviewed in order "to promote the protection of EFH." This is a clear legal mandate, that NMFS does not have the legal authority to modify. Requiring that a "significance threshold" be met before protecting EFH is not consistent with the law and would undercut EFH protection efforts. However, NMFS has made a good faith effort to streamline the protection process so that activities with minimal impacts may be covered under expedited review procedures.

The legal definition of EFH was created to protect the entire life cycle of managed fish species. The guidelines must apply to the areas where the fish live during all of their life stages. For many species, that includes coastal, riverine and estuarine waters. Therefore, EFH guidelines must apply where the fish are found, even in state waters.

In conclusion, I am very concerned that this additional ANPR will further undermine NMFS's EFH protection efforts by creating uncertainty regarding the agency's commitment to the program. NMFS should not revise the EFH guidelines; concerns about the program can be addressed through better implementation of the existing guidelines.

Thank you for considering my comments.

Sincerely ,

John Marius
2625 S. Walter Reed Dr.
Apt/SuiteUnit A
Arlington, VA 22206
jmarius@care2.com

Bob Brister
1102 South 800 East #A
Salt Lake City, UT 84105

April 9, 2004

Mr. Rolland A. Schmitten, Director
Office of Habitat Conservation
NOAA Fisheries
F/HC - EFH ANPR
1315 East-West Highway
Silver Spring, MD 20910

Office of Habitat Conservation

APR 13 2004

Received

Dear Mr. Schmitten,

I don't live near the ocean, but I'm concerned about the ecological collapse of marine life.

I am writing to comment on the Advanced Notice of Proposed Rulemaking (ANPR) regarding the Essential Fish Habitat guidelines published in the Federal Register on February 25, 2004. EFH guidelines should not be changed at this time. Concerns with the EFH program can and should be resolved through better implementation of EFH guidelines. Current guidelines are sufficient to identify EFH, determine the effects of fishing activities on EFH, and protect EFH from the adverse effects of fishing and non-fishing activities. Rather than revise the guidelines, I recommend that NMFS revise and reissue its EFH Technical Guidance.

The current NMFS process for EFH reflects the intent of Congress, is flexible enough, and can succeed. Prior to the inclusion of the EFH requirements in the MSA, fish habitat was not adequately protected from destruction due to human activities. Congress added the EFH requirements to the MSA in 1996 in order to specifically protect marine fish habitat. One purpose of the MSA is "to promote the protection of essential fish habitat in the review of projects conducted under federal permits, licenses, or other authorities that affect or have the potential to affect such habitat" (16 U.S.C. 1801(b)(7)). In addition, NMFS has made great efforts to minimize the complexity and streamline the EFH consultation process. NMFS has followed the Regulatory Flexibility Act requirements in developing the EFH guidelines. The Regulatory Flexibility Act does not require that conservation benefits outweigh economic costs, rather it requires that cost analyses be conducted and that the least expensive alternative that still meets MSA legal requirements is chosen.

A broad scope of EFH is necessary to protect fisheries. The reason that the area designated as EFH is broad is that marine species have more than one life stage, and each life stage may depend on a different habitat. The combined geographic distributions of the several hundred species that are managed in federal fisheries require protection of much of the U.S.

In addition, the scientific data is currently lacking on habitat-specific growth and survival, as well as productivity by habitat type. Designated areas are large to compensate for the poor resolution on specific habitat needs. These areas can, and should, be refined as the research progresses, but we cannot afford to wait for scientific certainty to protect our threatened fisheries.

Protection of habitat for fish populations is critical to their long-term health and it's the law. Non-mandatory guidelines would likely weaken necessary protection. Additionally, the EFH provisions in the Magnuson-Stevens Fishery Conservation and Management Act (MSA) are mandatory. Therefore, converting the EFH guidelines to guidelines and making the program advisory in nature would be inconsistent with the law and inappropriate.

Don't weaken the review process. Because EFH is critical to the survival of marine fish populations, Congress required that all federally conducted, funded, or authorized activities that "may adversely affect" EFH be specifically reviewed in order "to promote the protection of EFH." This is a clear legal mandate, that NMFS does not have the legal authority to modify. Requiring that a "significance threshold" be met before implementing EFH consultation procedures is not consistent with the law and would undercut EFH protection efforts. However, NMFS has made a good faith effort to streamline the consultation process so that activities with minimal impacts may be covered under expedited review procedures. In addition, I suggest that NMFS and the regional councils make better use of habitat areas of particular concern as a way to focus consultation activities.

The legal definition of EFH was created to protect the entire life cycle of managed fish species. The guidelines must apply to the areas where the fish live during all of their life stages. For many species that includes coastal and estuarine waters. Therefore, EFH guidelines must apply where the fish are found, even in state waters.

In conclusion, I am very concerned that this additional ANPR will further undermine NMFS' EFH protection efforts by creating uncertainty regarding the agency's commitment to the program. Congress should not revise the EFH guidelines; concerns about the program can be addressed through better implementation of the existing guidelines.

Thank you for considering my comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bob Brister".

Bob Brister

April 2, 2004

Mr. Rolland A. Schmitten

Director

Office of Habitat Conservation

NOAA Fisheries

F/HC - EFH ANPR

1315 East-West Highway

Silver Spring, MD 20910

Office of Habitat Conservation

APR 8 2004

Received

Dear Mr. Schmitten:

These are my comments on the Advanced Notice of Proposed Rulemaking (ANPR) regarding the Essential Fish Habitat (EFH) guidelines published in the *Federal Register* on February 25, 2004. In summary, EFH guidelines should not be changed at this time. Concerns with the EFH program can and should be resolved through better implementation of EFH guidelines. Current guidelines are sufficient to identify EFH, determine the effects of fishing activities on EFH, and protect EFH from the adverse effects of fishing and non-fishing activities. Rather than revise the guidelines, I recommend that NMFS revise and reissue its EFH Technical Guidance.

The current NMFS process for EFH reflects the intent of Congress, is flexible enough, and can succeed. Prior to the inclusion of the EFH requirements in the MSA, fish habitat was not adequately protected from destruction due to human activities. Congress added the EFH requirements to the MSA in 1996 in order to specifically protect marine fish habitat. One purpose of the MSA is "to promote the protection of essential fish habitat in the review of projects conducted under federal permits, licenses, or other authorities that affect or have the potential to affect such habitat" (16 U.S.C. 1801(b)(7)). In addition, NMFS has made great efforts to minimize the complexity and streamline the EFH consultation process. NMFS has followed the Regulatory Flexibility Act requirements in developing the EFH guidelines. The Regulatory Flexibility Act does not require that conservation benefits outweigh economic costs, rather it requires that cost analyses be conducted and that the least expensive alternative that still meets MSA legal requirements is chosen.

A broad scope of EFH is necessary to protect fisheries. The reason that the area designated as EFH is broad is that marine species have more than one life stage, and each life stage may depend on a different habitat. The combined geographic distributions of the several hundred species that are managed in federal fisheries require protection of much of the U.S. EEZ. In addition, the scientific data is currently lacking on habitat-specific growth and survival, as well as productivity by habitat type. Designated areas are large to compensate for the poor resolution on specific habitat needs. These areas can, and should, be refined as the research progresses, but I can not afford to wait for scientific certainty to

protect our threatened fisheries.

Protection of habitat for fish populations is critical to their long-term health and it's the law. Non-mandatory guidelines would likely weaken necessary protection. Additionally, the EFH provisions in the Magnuson-Stevens Fishery Conservation and Management Act (MSA) are mandatory. Therefore, converting the EFH guidelines to guidelines and making the program advisory in nature would be inconsistent with the law and inappropriate.

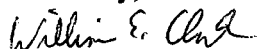
Don't weaken the review process. Because EFH is critical to the survival of marine fish populations, Congress required that all federally conducted, funded, or authorized activities that "may adversely affect" EFH be specifically reviewed in order "to promote the protection of EFH." This is a clear legal mandate, that NMFS does not have the legal authority to modify. Requiring that a "significance threshold" be met before implementing EFH consultation procedures is not consistent with the law and would undercut EFH protection efforts. However, NMFS has made a good faith effort to streamline the consultation process so that activities with minimal impacts may be covered under expedited review procedures. In addition, we suggest that NMFS and the regional councils make better use of habitat areas of particular concern as a way to focus consultation activities.

The legal definition of EFH was created to protect the entire life cycle of managed fish species. The guidelines must apply to the areas where the fish live during all of their life stages. For many species that includes coastal and estuarine waters. Therefore, EFH guidelines must apply where the fish are found, even in state waters.

In conclusion, I am very concerned that this additional ANPR will further undermine NMFS' EFH protection efforts by creating uncertainty regarding the agency's commitment to the program. Congress should not revise the EFH guidelines; concerns about the program can be addressed through better implementation of the existing guidelines.

Thank you for considering my comments.

Sincerely,



William E Clark

April 24, 2004

Mr. Rolland A. Schmitten
Director
Office of Habitat Conservation
NOAA Fisheries
F/HC - EFH ANPR
1315 East-West Highway
Silver Spring, MD 20910

Office of Habitat Conservation

APR 27 2004

Received

Dear Mr. Schmitten:

I am writing to comment on the Advanced Notice of Proposed Rulemaking (ANPR) regarding the Essential Fish Habitat (EFH) guidelines published in the *Federal Register* on February 25, 2004. The EFH guidelines should not be changed at this time. Concerns with the EFH program can and should be resolved through better implementation. The current guidelines are sufficient to identify EFH, determine the effects adverse of fishing activities on EFH, and protect EFH from the adverse effects of fishing and non-fishing activities. I would like to respond to some of the standard industry criticisms of the EFH guidelines.

The current NMFS process for protecting EFH reflects the intent of Congress, it is flexible, and can succeed. Prior to the inclusion of the EFH requirements in the Magnuson-Stevens Fishery Conservation and Management Act (MSA), fish habitat was not adequately protected from damage and destruction due to human activities. Congress added the EFH requirements to the MSA in 1996 specifically to protect marine fish habitat.

A broad scope of EFH is necessary to protect fisheries. The total area currently identified as EFH is broad because marine species have more than one life stage, and each life stage may depend on a different habitat. The combined geographic distributions of the nearly 1,000 species that are managed in federal fisheries require protection of much of the U.S. EEZ. In addition, there is limited scientific data is on habitat-specific growth and survival, as well as productivity by habitat type. Designated areas are large to compensate for the poor resolution on specific habitat needs. These areas can, and should, be refined as the research progresses, but we cannot afford to wait for scientific certainty to protect threatened fish habitat.

Protection of habitat for fish populations is critical to their long-term health and it is the law. The EFH provisions in the MSA are mandatory. Therefore, converting the EFH guidelines to non-mandatory guidelines and making the program advisory in nature would be inconsistent with the law and would weaken protections for EFH.

Do not weaken the review process. Because EFH is critical to the survival of marine fish populations, Congress required that all federally conducted, funded, or authorized activities that "may adversely affect" EFH be specifically reviewed in order "to promote the protection of

EFH.” This is a clear legal mandate, that NMFS does not have the legal authority to modify. Requiring that a “significance threshold” be met before protecting EFH is not consistent with the law and would undercut EFH protection efforts. However, NMFS has made a good faith effort to streamline the protection process so that activities with minimal impacts may be covered under expedited review procedures.

The legal definition of EFH was created to protect the entire life cycle of managed fish species. The guidelines must apply to the areas where the fish live during all of their life stages. For many species, that includes coastal, riverine and estuarine waters. Therefore, EFH guidelines must apply where the fish are found, even in state waters.

In conclusion, I am very concerned that this additional ANPR will further undermine NMFS’s EFH protection efforts by creating uncertainty regarding the agency’s commitment to the program. NMFS should not revise the EFH guidelines; concerns about the program can be addressed through better implementation of the existing guidelines.

Thank you for considering my comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Stieduhar". The signature is fluid and cursive, with the first name "Keith" written in a larger, more prominent script than the last name "Stieduhar".

Keith Stieduhar
Ocean Journey
Denver, Colorado